



COUNTY OF LOS ANGELES  
OFFICE OF THE COUNTY COUNSEL

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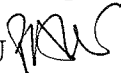
JOHN F. KRATTLI  
County Counsel

September 25, 2013

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TO: SACHI A. HAMAI  
Executive Officer  
Board of Supervisors

Attention: Agenda Preparation

FROM: PATRICK A. WU   
Senior Assistant County Counsel

RE: **Item for the Board of Supervisors' Agenda**  
**County Claims Board Recommendation**  
**Alfonso W. Fierro, et al. v. County of Los Angeles, et al.**  
**United States District Court Case No. CV 12-03301 DSF (JCx)**

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plans to be made available to the public.

It is requested that this recommendation, the Case Summary, and the Summary Corrective Action Plans be placed on the Board of Supervisors' agenda.

PAW:rfm

Attachments

## Board Agenda

### MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Alfonso W. Fierro, et al. v. County of Los Angeles, et al., United States District Court Case No. CV 12-03301 DSF (JCx), in the amount of \$275,000 and instruct the Auditor-Controller to draw warrants to implement this settlement from both the Department of Children and Family Services' budget and the Department of Health Services' budget.

This lawsuit alleges a violation of civil rights arising from an improper investigation of suspected child abuse conducted by the Department of Children and Family Services.

## **CASE SUMMARY**

### **INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION**

CASE NAME	Alfonso W. Fierro, et al. v. County of Los Angeles, et al.
CASE NUMBER	CV 12-03301 DSF (JCx)
COURT	United States District Court
DATE FILED	4/20/12
COUNTY DEPARTMENT	Department of Children and Family Services and Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$ 275,000
ATTORNEY FOR PLAINTIFF	Donnie R. Cox Dennis Atchley Law Offices of Donnie R. Cox  Paul W. Leehey Law Offices of Paul W. Leehey
COUNTY COUNSEL ATTORNEY	Lauren M. Black Principal Deputy County Counsel Social Services Division
NATURE OF CASE	Civil Rights violations
PAID ATTORNEY FEES, TO DATE	\$ 63,690
PAID COSTS, TO DATE	\$ 3,076

Case Name: Fierro, Skipworth, et al v. COLA, DCFS, et al



## Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of Incident/event:	April 19, 2011
Briefly provide a description of the incident/event:	As part of an investigation into allegations of physical abuse and siblings "at risk," Los Angeles County Department of Children and Family Services (DCFS) directed the parents of the three involved minor children to the LAC+USC Violence Intervention Program clinic for forensic examinations. Two consent forms were signed by the mother for each of the three minor's examinations. While the physical examinations resulted in findings of minor abrasions and scratches on the two younger children, interviews of the children revealed no concerns of physician/sexual abuse or neglect. As such, the children left LAC+USC in the custody of their mother, who along with the father subsequently alleged that they were coerced, under threat of removal of their children, into signing the consent for forensic examinations and were not allowed to be present for the examinations of their two older children.

1. Briefly describe the root cause(s) of the claim/lawsuit:

1. Lack of specific language relative to parental/guardian consent for forensic examination on the "Conditions of Admission/Clinic Visit," aka "General Consent" form.
2. Lack of documentation of parental whereabouts; presence/absence during forensic examination.

2. Briefly describe recommended corrective actions:

(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

1. DHS is actively engaged with the Office of the County Counsel in efforts to develop a comprehensive policy addressing consent for forensic examination related to child abuse. Said consent will address Federal, State, and case law requirements of patient/parent/guardian forensic consent requirements for child abuse, child sexual abuse, and work to formally address existing case laws recognition of a parents' right to be present during forensic examinations mentioned supra. Enterprise policy development, deployment strategy, and training blueprint related to the above mentioned procedural/administrative processes will be developed within the next six (6) months.
2. Effective July 26, 2013 the LAC+USC Violence Intervention Program (VIP) clinic has implemented a new stopgap protocol/process for documentation of parent/guardian presence/absence during a forensic medical examination.

County of Los Angeles  
Summary Corrective Action Plan

3. Are the corrective actions addressing department-wide system issues?

☒ Yes – The corrective actions address department-wide system issues.

☐ No – The corrective actions are only applicable to the affected parties.

Name: (Risk Management Coordinator)	
Signature: <i>Edgar M. Soto</i>	Date: <i>7/24/13</i>

Name: (Department Head)	
Signature: <i>Sherry Hall</i>	Date: <i>7/24/13</i>

<b>Chief Executive Office Risk Management Inspector General USE ONLY</b>	
Are the corrective actions applicable to other departments within the County?	
<input type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability.	
<input type="checkbox"/> No, the corrective actions are applicable only to this department.	
Name: (Risk Management Inspector General)	
Signature:	Date:

Case Name: Fierro, Skipworth, et al v. COLA, DCFS, et al



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2. Lack of documentation of parental whereabouts; presence/absence during forensic examination.

2. Briefly describe recommended corrective actions:  
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

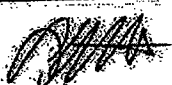
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County of Los Angeles  
Summary Corrective Action Plan

3. Are the corrective actions addressing department-wide system issues?
- ☒ Yes – The corrective actions address department-wide system issues.
- ☐ No – The corrective actions are only applicable to the affected parties.

Name: (Risk Management Coordinator)	
Signature:	Date:

Name: (Department Head)	
Signature:	Date:

<b>Chief Executive Office Risk Management Inspector General USE ONLY</b>	
Are the corrective actions applicable to other departments within the County?	
<input type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability.	
<input checked="" type="checkbox"/> No, the corrective actions are applicable only to this department.	
Name: (Risk Management Inspector General)	
LEO COSTANTINO	
Signature:	Date:
	4/25/13

Case Name: Fierro v. County of Los Angeles

**Summary Corrective Action Plan**

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	April 2011 through July 2011
Briefly provide a description of the incident/event:	The Plaintiffs alleged that their civil rights were violated as a result of a child abuse investigation in which a parent temporarily left the family home.

1. Briefly describe the **root cause(s)** of the claim/lawsuit:

In their lawsuit, the Plaintiffs alleged that their civil rights were violated after the parent agreed to temporarily leave the family home during a child abuse investigation. In addition, they further alleged that their children were interviewed and subjected to medical examinations without parental consent.

2. Briefly describe recommended corrective actions:  
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The Department had relevant policies and procedures in effect at the time of the incident.

The Department is continuing to update its protocols regarding consent.

All personnel issues have been addressed.



County of Los Angeles  
Summary Corrective Action Plan

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☒ Yes – The corrective actions address department-wide system issues.

☐ No – The corrective actions are only applicable to the affected parties.

Name: (Risk Management Coordinator)	
<i>Brian N. Hall</i>	
Signature:	Date: 7-3-13

Name: (Department Head)	
<i>Ed Brown</i>	
Signature:	Date: 7-3-13

<b>Chief Executive Office Risk Management Inspector General USE ONLY</b>	
Are the corrective actions applicable to other departments within the County?	
<input type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability.	
<input checked="" type="checkbox"/> No, the corrective actions are applicable only to this department.	
Name: (Risk Management Inspector General)	
<i>Lee Costantino</i>	
Signature:	Date: 6/10/13